

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. OVERTON,  
Plaintiff,

v.

CALIFORNIA HEALTH CARE FACILITY,  
et al.,  
Defendants.

No. 2:23-cv-1443 DJC CKD P

ORDER

Plaintiff, a California proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 28, 2023, the Magistrate Judge filed findings and recommendations herein which were served on Plaintiff and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the findings and recommendations.

Although it appears from the file that Plaintiff's copy of the findings and recommendations was returned, Plaintiff was properly served. It is the Plaintiff's responsibility to keep the Court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully

effective.

The Court presumes that any findings of fact are correct. See *Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's conclusions of law are reviewed de novo. See *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by the Magistrate Judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed September 28, 2023, are adopted in full; and
2. This action is dismissed without prejudice.
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: **February 23, 2024**

  
Hon. Daniel J. Calabretta  
UNITED STATES DISTRICT JUDGE

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